

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL ACTION

HEALTHGUARD OF LANCASTER, INC.,	:	
Plaintiff	:	
	:	
v.	:	
	:	
MARK GARTENBERG;	:	No. 02-CV-2611
STEVEN GARTENBERG;	:	
MARK TISCHLER;	:	(Michael M. Baylson, J.)
GREENFIELD SPORTS MEDICINE	:	
& REHAB, P.C.;	:	
PREMIER SPORTS MEDICINE	:	
& REHAB CENTER, P.C. and	:	
MAIN LINE MEDICAL SERVICES, INC.	:	
Defendants	:	

ORDER

AND NOW, this _____ day of _____, 2003, upon consideration of Obermayer Rebmann Maxwell & Hippel LLP's motion to withdraw as counsel for Defendants Greenfield Sports Medicine & Rehab, P.C. and Premier Sports Medicine & Rehab Center, P.C., and Plaintiff's opposition thereto, it is hereby ORDERED that the motion is DENIED.

BY THE COURT:

Honorable Michael M. Baylson

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Plaintiff	:	
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& REHAB, P.C.;	:	
PREMIER SPORTS MEDICINE	:	
& REHAB CENTER, P.C. and	:	
MAIN LINE MEDICAL SERVICES, INC.	:	
Defendants	:	

PLAINTIFF'S RESPONSE
OPPOSING OBERMAYER'S MOTION TO WITHDRAW AS COUNSEL
FOR DEFENDANTS GREENFIELD SPORTS MEDICINE & REHAB, P.C. AND
PREMIER SPORTS MEDICINE & REHAB CENTER, P.C.

_____Plaintiff opposes the Motion filed by Obermayer Rebmann Maxwell & Hippel LLP ("Obermayer") seeking leave of Court to withdraw as counsel for Defendants Greenfield Sports Medicine & Rehab, P.C. ("Greenfield") and Premier Sports Medicine & Rehab Center, P.C. ("Premier"). Because no substitute counsel has entered an appearance on behalf of Greenfield or Premier, the withdrawal of Obermayer from their representation of Greenfield and Premier will interfere with the resolution of Plaintiff's claims and delay the orderly administration of justice.

Plaintiff offers the following specific response to Obermayer's motion:

1. Plaintiff is without sufficient information to either admit or deny the truth of the allegation made in paragraph one.
2. Plaintiff is without sufficient information to either admit or deny the truth of the

allegation made in paragraph two.

3. Obermayer filed a Rule 12(b)(6) motion, a reply brief in support of the Rule 12(b)(6) motion, and written discovery requests on behalf of all named defendants, including Greenfield and Premier. Plaintiff is without sufficient information to either admit or deny the truth of the remaining allegations made in paragraph three. By way of further response, Obermayer was served with responses to written discovery requests provided by Plaintiff to all named defendants.

4. Admitted.

5. No new counsel has filed an appearance of record for Greenfield and Premier.

6. Plaintiff is without sufficient information to either admit or deny the truth of the allegation made in paragraph six. Obermayer's allegation contained in paragraph six is inconsistent with the fact that Obermayer (a) entered an appearance of record representing that it had a client relationship with Greenfield and Premier; (b) filed a motion to dismiss; (c) filed two requests for an extension of time to file an Answer; (d) filed written discovery requests; (e) received discovery material on behalf of Greenfield and Premier; and (f) produced a waiver of service on behalf of Greenfield.

7. Plaintiff is without sufficient information to either admit or deny the truth of the allegation made in paragraph six.

8. Plaintiff is without sufficient information to either admit or deny the truth of the allegation made in paragraph six.

9. Denied. Plaintiff alleges that Greenfield and Premier were organized and controlled by defendants Mark Gartenberg, Steven Gartenberg and Mark Tischler, and thus the

interests of the Defendants do not conflict.

10. Admitted.

11. Denied.

12. Denied. Obermayer's withdrawal as counsel may have a material adverse effect on Greenfield and Premier.

WHEREFORE, Plaintiff respectfully requests that this Court deny Obermayer's motion to withdraw as counsel for Greenfield Sports Medicine & Rehab, P.C. and Premier Sports Medicine & Rehab Center, P.C. in this action.

Respectfully submitted,

HARTMAN UNDERHILL & BRUBAKER LLP

Date: _____

By: _____
Robert M. Frankhouser, Attorney I.D. 29998
Andrew F. Lucarelli, Attorney I.D. 15421
221 E. Chestnut Street
Lancaster, PA 17602
(717) 299-7254

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below:

Service by first class mail addressed as follows:

Lawrence J. Tabas, Esquire
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HARTMAN UNDERHILL & BRUBAKER LLP

By: _____

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Date: January 27, 2003